UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Apple Inc.,
Petitioner,

v.

Varia Holdings LLC,
Patent Owner.

U.S. Patent No. 8,127,984

Inter Partes Review Case No. 2024-01364

PATENT OWNER'S UNOPPOSED MOTION FOR *PRO HAC VICE* ADMISSION OF TIMOTHY K. GILMAN UNDER 37 C.F.R. § 42.10(c)

Patent Owner Varia Holdings LLC ("Patent Owner") respectfully requests that the Board recognize Timothy K. Gilman, Esq., as counsel *pro hac vice* during this proceeding. Petitioner's counsel does not oppose this Motion.

I. BACKGROUND

Patent Owner's Motion for *Pro Hac Vice* Admission is being filed in compliance with and pursuant to the Order—Authorizing Motion for Pro Hac Vice Admission in Case No. IPR2013-00639, Paper 7 ("the Order") and pursuant to the Board's advanced authorization expressed in the Board's Notice of Filing Date Accorded to Petition and Time for Filing Patent Owner Preliminary Response dated September 13, 2024 (Paper No. 3).

This Motion is accompanied by the Declaration of Timothy K. Gilman, Esq., as Exhibit 2002, ("Gilman Decl."), as required by the Order.

II. STATEMENT OF FACTS

As required by the Order, the following statement of facts shows that there is good cause for the Board to recognize Mr. Gilman *pro hac vice*.

1. Lead counsel Ari J. Jaffess is a registered practitioner and is experienced in *inter partes* proceedings in the USPTO.

2. Backup counsel Ronald Abramson is a registered practitioner and is experienced in *inter partes* proceedings in the USPTO.

3. Mr. Gilman has been a litigating attorney for more than 20 years.

(Gilman Decl. ¶ 1.) Mr. Gilman has been litigating patent cases for at least 20 years. (*Id.* ¶ 2.)

4. Mr. Gilman is a member in good standing of the New York State Bar and Bar and admitted to practice in the United States Supreme Court, the U.S. Courts of Appeals for the Federal and Second Circuits, and the United States District Courts for the Southern and Eastern Districts of New York. (*Id.* ¶ 3.)

5. Mr. Gilman has no suspensions or disbarments from practice before any court or administrative body, nor any application for admission to practice denied, nor any sanctions or contempt citations. (*Id.* ¶ 4.)

6. Mr. Gilman has familiarity with the subject matter at issue in this proceeding, based on work as counsel in the district court case of *Varia Holdings LLC v. Apple Inc.*, Case No. 1:23-cv-07477-RPK-RML, involving the same patent at issue in this proceeding. (*Id.* ¶ 5.) Mr. Gilman has been actively involved in all aspects of this district court case, including the issue of validity of the patents-in-suit therein. (*Id.* ¶¶ 6.) Mr. Gilman has reviewed U.S. Patent No. 8,127,984 and the Petition and all other documents already filed in this proceeding. (*Id.* ¶ 7.)

7. Mr. Gilman has read and will comply with the Office Patent Trial Practice Guide and the Board's Rules for Practice for Trials set forth in part 42 of the C.F.R, and agrees to be subject to the USPTO Code of Professional Responsibility set forth in 37 C.F.R. §§11.101 *et seq.*, and to disciplinary jurisdiction

under 37 C.F.R. §11.19(a). (*Id.* ¶¶ 8-9.)

8. Mr. Gilman has not applied to appear *pro hac vice* in any other proceedings before the Office in the last five (5) years. (*Id.* ¶ 10.)

III. ANALYSIS

The facts contained in the Statement of Facts above, and contained in the Gilman Declaration, establish that there is good cause to admit Mr. Gilman *pro hac vice* in this proceeding under 37 C.F.R. §42.10(c). Lead and backup counsel are registered practitioners, Mr. Gilman is an experienced litigating attorney, and Mr. Gilman has an established familiarity with the subject matter at issue in the proceeding.

IV. NO OPPOSITION TO THIS MOTION

Patent Owner has conferred with Petitioner with regard to this Motion, and Petitioner has confirmed that it does not intend to oppose it.

V. CONCLUSION

For the foregoing reasons, Patent Owner Varia Holdings LLC respectfully requests that the Board admit Timothy K. Gilman *pro hac vice* in this proceeding.

Respectfully submitted,

Dated: April 21, 2025

/Ari J. Jaffess/

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CERTIFICATE OF SERVICE

Pursuant to 37 CFR § 42.205(b), the undersigned hereby certifies that on April 21, 2025, a complete and entire copy of the foregoing **Patent Owner's Unopposed Motion for *Pro Hac Vice* Admission of Timothy K. Gilman Under 37 C.F.R. § 42.10(c)** and Exhibit 2002 were served on Petitioner by filing through the Patent Trial and Appeal Case Tracking System (P-TACTS) and via email to IPR50095-0187IP1@fr.com@fr.com, as authorized in Petitioner's mandatory notices:

Dated: April 21, 2025

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